

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

1988 0505 011 003

Department of Health Services v. [REDACTED] 198838

301 7th Street, Apt. 4) address of record
Rockford, Illinois 61104)

905 Jefferson Street, Apt. 1)
c/o Susan Rouse) sister's address where she apparently
Oregon, Illinois 61061) receives mail

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereafter the "Board") was presented by the Department of Health Services (hereafter the "Dept.") with a Statement of Charges dated September 28, 1987. The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes.

The Board issued a Notice of Hearing dated September 29, 1987. Due to a delay in notifying the Board of Mrs. Baggerio-Brown's ("respondent") change of address by the Licensure & Registration Section of the Department, respondent did not have notice and failed to file an answer to the charges or to appear when the Board (unaware of the delay and lack of notice) proceeded with the hearing on October 28, 1987. The Board found respondent guilty of the charges and revoked her license in a Memorandum of Decision dated March 16, 1988.

In a letter to the Board dated March 29, 1988, respondent requested a rehearing of the charges due to her lack of notice. The request was granted and the revocation order was vacated by the Board on May 4, 1988. (Dept. Exhibit 1). A Notice of Rehearing dated May 5, 1988 (Dept. Exhibit 6) was sent to respondent at her current address of record (Dept. Exhibit 2), but was returned to the Board marked "moved-left no address." Respondent's failure to notify the Department of her current address automatically violates Connecticut General Statutes Section 19a-89 which requires Department notification within 30 days of a change of address.

A Statement of Charges dated May 24, 1988, identical to the Statement of Charges dated September 28, 1987, was presented to the Board. The Board issued a Notice of Hearing dated June 1, 1988. (Dept. Exhibit 8). Respondent failed to file an answer and was not present when the Board held the hearing on June 21, 1988 in the National Guard Armory, 360 Broad Street, Room 308, Hartford, Connecticut.

Each member of the Board involved in this decision certifies that he/she has reviewed the record or was present at the hearing, and that this decision is based on the evidence presented and their specialized professional knowledge in evaluating that evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Respondent was at all pertinent times a licensed practical nurse; her Connecticut registration number is 018838.
2. Pursuant to Connecticut General Statutes, Section 4-182(c), respondent was provided full opportunity prior to the commencement of agency action to show compliance with all the terms for the retention of her license.
3. At the beginning of and during 1979, respondent worked as a licensed practical nurse ("LPN") at Walnut Hill Convalescent Home ("Walnut Hill") in New Britain, Connecticut.
4. While at Walnut Hill, respondent abused or used to excess alcohol.
5. While at Walnut Hill, respondent practiced nursing without a license.
6. During and following March 1985, respondent worked as an LPN at Lexington Convalescent Home ("Lexington") in New Britain, Connecticut.
7. While at Lexington, respondent abused or used to excess sleeping pills.
8. While at Lexington, respondent abused or used drugs, alcohol or other chemicals while on duty.
9. While at Lexington, respondent failed to change a gastrostomy site dressing, yet charted the dressing as changed.
10. While at Lexington, respondent attempted to and did remove the property of others from the facility.
11. While at Lexington, respondent failed to make appropriate documentation in medical or hospital records.

12. While at Lexington, respondent permitted a nurse's aide to administer medication.

13. During and following March 1987, respondent worked as an LPN at the Hughes Convalescent Home ("Hughes") in West Hartford, Connecticut.

14. While at Hughes, respondent diverted to herself the following controlled substances: Darvocet, Tylenol with Codeine, Nembutal and Restoril.

15. While at Hughes, respondent abused or used to excess the enumerated controlled substances.

16. While at Hughes, respondent failed to completely or properly or accurately make documentations in the hospital or medical records.

17. While at Hughes, respondent falsified one or more Controlled Substance Receipt Records.

18. While at Hughes, respondent made documentations regarding the controlled substances in hospital or medical records using fictitious names or names other than her own.

DISCUSSION AND CONCLUSIONS

The First Count, Subsection 3(a), alleges that while employed as an LPN at Walnut Hill, respondent abused or utilized to excess alcohol.

This conduct is a violation of Connecticut General Statutes Sections 20-99(b)(2) and (5) (1987), which include: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions..." "(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...." Respondent admits this charge. (Dept. Exhibit 9, p.9).

The Board concludes that respondent has violated Connecticut General Statutes Sections 20-99(b) (2) and (5).

The First Count, Subsection 3(b) alleges that while employed as an LPN at Walnut Hill, respondent practiced nursing without a license.

This conduct violates Connecticut General Statutes Sections 20-99 (b)(2) and (6) (1987), which include: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions..." "(6) fraud or material deception in the course of professional services or activities...." In her voluntary statement to Drug Control Agent John Gadea, Jr., respondent states that she began working in Connecticut in the beginning of 1979 (Dept. Exhibit 9, p.9); however, according to John N. Boccaccio, M.S., Acting Chief of the Licensure & Registration Section of the Department, Connecticut first issued respondent her license on September 24, 1980. (Dept. Exhibit 2).

The Board concludes respondent has violated Connecticut General Statutes Sections 20-99 (b)(2) and (6).

The Second Count, Subsection 3(a), alleges that while employed as an LPN at Lexington, respondent abused or used to excess sleeping pills.

This conduct violates Connecticut General Statutes Sections 20-99 (b) (2) and (5) (1987), which include: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions..." "(5) abuse or excessive use of drugs, including alcohol, narcotics or other chemicals...." Respondent admits this charge. (Dept. Exhibit 9, p.10).

The Board concludes that the respondent has violated Connecticut General Statutes Sections 20-99(b)(2) and (5).

The Second Count, Subsection 3(b), alleges that while employed as an LPN at Lexington, respondent abused or used drugs, alcohol or other chemicals while on duty.

This conduct violates Connecticut General Statutes Sections 20-99 (b) (2) and (5) (1987), which include "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions..." "(5) abuse or excessive use of drugs, including alcohol, narcotics or other chemicals...." Respondent admits to using sleeping pills (Dept. Exhibit 9, p.10). Supervisory notes illustrate respondent's behavior, including rolling eyes, slurred speech, constant sleepiness, and lack of ability to function on duty (Dept. Exhibits 10, p.1 and 11, pgs. 31 and 36). This behavior allows the Board to infer that respondent used drugs on duty.

The Board concludes that respondent has violated Connecticut General Statutes Sections 20-99 (b) (2) and (5).

The Second Count, Subsections 3(c) and (d), allege that while employed as an LPN at Lexington, respondent failed to change a gastrostomy site dressing, and/or charted that the above cited dressing had been changed.

This conduct violates Connecticut General Statutes Section 20-99 (b) (2) (1987), which includes: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." Notes on respondent's treatments (documented in her personnel file), as well as the description of the condition of the site, are inconsistent with the care allegedly given by respondent, indicating to the Board

that the site was not changed as charted. (Dept. Exhibit 11, p.28).

The Board concludes that respondent has violated Connecticut General Statutes Section 20-99 (b) (2).

The Second Count, Subsections 3(e) and (f), allege that while employed as an LPN at Lexington, respondent attempted to remove the property of others from the facility, and/or removed the property of others from the facility.

This conduct violates Connecticut General Statutes Sections 20-99 (b) (2) and (6) (1987), which include: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions..." "(6) fraud or material deception in the course of professional services or activities...." Respondent admits this charge. (Dept. Exhibit 11, p.49).

The Board concludes that respondent has violated Connecticut General Statutes Sections 20-99 (b) (2) and (6).

The Second Count, Subsection 3(g), alleges that while employed as an LPN at Lexington, respondent failed to make appropriate documentation in medical or hospital records.

This conduct violates Connecticut General Statutes Section 20-99 (b) (2) (1987), which includes: "illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

Respondent failed to appropriately document the care given regarding a patient's site dressing (Dept. Exhibit 10, p.1); and had been warned about illegible handwriting and burn marks in patient charts (requiring them to be re-copied) on several occasions. (Dept. Exhibit 11, pgs. 32-33).

The Board concludes that respondent has violated Connecticut General Statutes Section 20-99 (b) (2).

The Second Count, Subsection 3(h), alleges that while employed as an LPN at Lexington, respondent permitted a nurse's aide to administer medication.

This conduct violates Connecticut General Statutes Section 20-99 (b) (2) (1987) which includes: "illegal conduct, incompetence or negligence in carrying out usual nursing functions...." Respondent's personnel file documents this incident. (Dept. Exhibit 11, p.31).

The Board concludes that respondent has violated Connecticut General Statutes Section 20-99 (b) (2).

The Third Count, Subsections 3 (a-e), allege that while employed as an LPN at Hughes, respondent diverted the controlled substances Darvocet, Tylenol with Codeine, Nembutal and Restoril; and/or abused or utilized to excess one or more of the controlled substances.

This conduct violates Connecticut General Statutes Sections 20-99 (b) (2) and (5) (1987) which include: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions..." "(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...." Respondent admits these charges. (Dept. Exhibit 9, pgs. 10-11).

The Board concludes that respondent has violated Connecticut General Statutes Sections 20-99 (b) (2) and (5).

The Third Count, Subsections 3 (f-h) allege that while employed as an LPN at Hughes, respondent: failed to completely or properly or

accurately make documentations in the medical or hospital records; falsified one or more Controlled Substance Receipt Records; and/or made documentations regarding the drugs in hospital or medical records using fictitious names or names other than her own.

This conduct violates Connecticut General Statutes Sections 20-99 (b) (2), (6) and (7) (1987), which include: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions..." "(6) fraud or material deception in the course of professional service or activities..." "(7) wilful [sic] falsification of entries in any hospital, patient or other record pertaining to drugs, the results of which are detrimental to the health of a patient...." Respondent admits these charges. (Dept. Exhibit 9, pgs. 2-7, 10).

The Board concludes that respondent has violated Connecticut General Statutes Sections 20-99 (b) (2), (6) and (7).

ORDER

It is the unanimous decision of those of the Board of Examiners for Nursing who were present and voting that:

a. ~~The license of the respondent be revoked, effective September 15, 1988, determined as follows:~~

- i. for the First Count, Subsection 3 (a-b),
respondent's license is revoked;
- ii. for the Second Count, Subsection 3 (a-h),
respondent's license is revoked;
- iii. for the Third Count, Subsection 3 (a-h),
respondent's license is revoked.

b. Respondent, Cynthia Baggerio Brown, LPN, (aka Cynthia Baggerio, LPN, Cynthia Brown, LPN), license number 018838, is directed to surrender her license on or before September 15, 1988 to:

Office of Board of Examiners for Nursing
150 Washington Street
Hartford, Connecticut 06106

The Board of Examiners for Nursing shall inform the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 21st day of July, 1988

BOARD OF EXAMINERS FOR NURSING

BY Bette Jane M. Murphy RN

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